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December 22, 2021

BY ECF

The Honorable Yvette Kane
United States District Judge
United States District Court for the Middle District of Pennsylvania
Ronald Reagan Federal Bldg. & U.S. Courthouse
228 Walnut Street
Harrisburg, PA 17101

**Re: *Quantum Communications Ltd. v. Edward Martin, et al.*,
No: 1:17-cv-01640-YK**

Dear Judge Kane,

Pursuant to the Court Order dated November 19, 2021, this is in response to the letter by Charlie Gerow to this Court dated December 8, 2021. I represent Defendants Edward Martin and Eagle Forum Education and Legal Defense Fund (“EFELDF” and, collectively, “Defendants”).

Defendants agree with Mr. Gerow’s request to seek a substitution of counsel for himself in order to comply with applicable rules, in light of how he is a key witness and states that he is the sole owner of Plaintiff Quantum Communications Ltd.

I respectfully disagree with Mr. Gerow’s suggestion that I may not be able to represent Defendants at trial. I have never been a director or officer of Defendant EFELDF, contrary to Mr. Gerow’s assertion, and the other remaining Defendant is an individual. I was not deposed in this action, nor identified as a witness by Mr. Gerow among his list of witnesses as requested by the Court at the last conference.

My name was not mentioned during any of the depositions in this matter in connection with any disputed material facts, and I should not be a witness at trial.

On another topic, Defendant Edward Martin unfortunately has had a serious emergency situation arise which makes him unavailable to participate in a trial at this time or in early 2022. A fuller disclosure of this private issue can be made during a conference rather than by this public letter. He is expected to become available again for trial later in 2022.

My clients do not waive their right to a jury trial, as expressly demanded by Plaintiff Quantum Communications both in its original and amended complaint. My clients also filed a counterclaim which expressly requested a jury trial. So we respectfully request that this matter remain before Your Honor for a jury trial at an appropriate time.

Thank you, Your Honor, and best wishes for the upcoming Holidays.

Sincerely,

/s/ Andrew L. Schlafly

Andrew L. Schlafly
Counsel for Defendants
Edward Martin and EFELDF

cc (by ECF): Charles Gerow as Counsel for Plaintiff